

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN BATTERIES AND
ELECTROCHEMICAL DEVICES
CONTAINING COMPOSITE
SEPARATORS, COMPONENTS
THEREOF, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1087

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING A JOINT MOTION FOR PARTIAL
TERMINATION OF THE INVESTIGATION AS TO CERTAIN PATENT CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 30) of the presiding administrative law judge (“ALJ”) granting a joint motion for partial termination of the investigation as to certain patent claims based on the withdrawal of the allegations pertaining to those claims.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 28, 2017, based on a complaint, as supplemented, filed by LG Chem, Ltd. of South Korea; LG Chem Michigan Inc. of Holland, Michigan; LG Chem Power Inc. of Troy, Michigan; and Toray Industries, Inc. of Japan (collectively, “Complainants” or “LG”). *See* 82 FR 56265

(Nov. 28, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain batteries and electrochemical devices containing composite separators, components thereof, and products containing same, by reason of infringement of claims 1, 2, 5-15, and 18 of U.S. Patent No. 7,662,517 (“the ’517 patent”); claims 1-5, 9-12, 14-31, and 33-36 of U.S. Patent No. 7,638,241 (“the ’241 patent”); and claims 1-13 and 16-20 U.S. Patent No. 7,709,152 (“the ’152 patent”). *See id.* The notice of institution names Amperex Technology Limited of Hong Kong; DJI Technology Co., Ltd. of Shenzhen, China; DJI Technology, Inc. of Burbank, California; Guangdong OPPO Mobile, Telecommunications Corp., Ltd. of Guangdong, China; and OPPO Digital, Inc. of Menlo Park, California as respondents in this investigation. *See id.* The complaint and notice of investigation in this matter were amended to correct the name of respondent DJI Technology Co., Ltd. to SZ DJI Technology Co., Ltd. 83 FR 4515 (Jan. 31, 2018). The Office of Unfair Import Investigations is not a party to this investigation. *See id.*

On May 18, 2018, the ALJ issued an ID partially terminating the investigation as to claims 12, 14, 22, 23, and 31 of the ’241 patent and claims 4 and 10 of the ’152 patent. *See* Order No. 22 (May 18, 2018), *unreviewed*, Comm’n Notice (June 11, 2018).

On July 12, 2018, the parties filed a joint motion (*Motion*) for partial termination of the investigation as to claims 2, 5-9, 11-13, 15, and 18 of the ’517 patent; claims 5, 9-11, 15-21, 26, 27, 30, and 33-36 of the ’241 patent; and claims 2, 5-8, 11-13, 17, and 18 of the ’152 patent, based on the withdrawal of the allegations pertaining to those claims. On July 13, 2018, the ALJ issued the subject ID (Order No. 30) granting the *Motion*.

The ID notes that “[t]he parties indicate that these claims have been withdraw[n] in order to simplify and narrow the scope of the investigation and thereby conserve resources.” *See* ID at 1 (citations omitted). The ID further notes that “[t]he parties . . . state that there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” *See id.* The ID concludes that “the parties have complied with the requirements of Commission Rule 210.21(a),” 19 CFR 210.21(a), and that “no extraordinary circumstances exist that would prevent the requested partial termination of this investigation.” *See* ID at 2.

No petition for review of the subject ID was filed. The Commission has determined not to review the ID.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: August 10, 2018